

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Crl.MC.No. 2229 of 2007()

(L.P.NO.2/2007 IN C.C.NO.469/2002 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT , THIRUVALLA)

PETITIONER: 1ST ACCUSED:

SARASWATHIAMMAL @ SARASAMMAL
W/O. MANIAN ACHARI,
THIRUVALLA, NOW RESIDING AT 164 (13/696 A),
THIRUVATHIRA, ALAPPUZHA MUNICIPALITY.

BY ADV. SRI.P.HARIDAS

RESPONDENTS: STATE/COMPLAINANTS:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. SUB INSPECTOR OF POLICE, THIRUVALLA.

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J
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Cr.M.C.No. 2229 of 2007
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Dated this the 12th day of July, 2007

ORDER

The petitioner faces indictment in a prosecution, inter alia, under Section 420 IPC. Investigation is complete. Final report has been filed. Cognizance has been taken on the basis of the final report submitted by the Police. The case was registered as early as in 2002, as can be seen from the number assigned to the case as C.C.No.469/02. Consequent to non appearance of the petitioner, who is the 1st accused in the crime, the case was transferred to the list of Long Pending Cases and coercive processes have been issued against the petitioner.

2. According to the petitioner, she is absolutely innocent. The dispute has been settled between the parties. Her absence was not wilful and was on account of reasons beyond her control. The petitioner is willing to appear before the learned Magistrate and co-operate for the expeditious disposal of the case. But she apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. She therefore prays that a direction may be issued under Section 482 Cr.P.C to the learned Magistrate to release her on bail when she appears and applies for bail.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which she could not earlier appear before the learned Magistrate. The learned Magistrate must consider such application for bail on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously-on the date of surrender itself.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE